IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1045 OF 2005

Mahavir Ranjit Jain ..Petitioner.

Vs.

Poornima Mahavir Jain ..Respondent.

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Mr.N.D.Hombalkar and Mr.S.N.Chimade for the Petitioner.

CORAM : DR.D.Y.CHANDRACHUD, J.

29th August, 2005.

P.C. :

The Family Court by its order dated 14th December, 2004 has directed the Petitioner to pay maintenance of Rs.5,000/- per month to the Respondent. The Family Court has formed an overall view of the social status of the parties in arriving at an order for interim maintenance. A view in regard to the social and economic background and status of the parties can be formed

atleast for the purpose of the interim application on the basis of the averments contained in paragraph 5 of the application. A reference was made therein to the assets of the family. The Petitioner in his reply to paragraph 5 stated that he was carrying on business through a proprietary concern and that his income tax returns showed an annual income of Rs.89,000/-. Income tax returns are not necessarily reflective of the true social and financial position of the parties and it is a settled position that it is for the Trial Court to arrive at a finding having regard to the status of the parties. Having regard to the facts as they have emerged before the Family Court at the interim stage, the impugned order directing the payment of maintenance of Rs.5,000/- per month from the date of the application cannot be regarded as perverse or erroneous. The interference of the Court in the exercise of its supervisory jurisdiction under Article 227 is not warranted. The Petition is accordingly rejected.